

# HOUSE BILL No. 1167

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-21-22.

**Synopsis:** Hand held mobile telephone use. Makes it a Class D infraction to operate a motor vehicle while using a hand held mobile telephone. Exempts: (1) a person who uses a mobile telephone in an emergency situation; (2) the operator of an authorized emergency vehicle; (3) the operator of a medical services vehicle; and (4) a volunteer firefighter or certain emergency services professionals en route to the scene of an emergency.

**Effective:** July 1, 2008.

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## Summers

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January 14, 2008, read first time and referred to Committee on Public Policy.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## HOUSE BILL No. 1167

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-13-2-30.7 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2008]: **Sec. 30.7. "Commercial mobile radio service", for**
- 4 **purposes of IC 9-21-22-5, has the meaning set forth in**
- 5 **IC 36-8-16.5-5.**
- 6 SECTION 2. IC 9-13-2-49.7 IS ADDED TO THE INDIANA CODE
- 7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 8 1, 2008]: **Sec. 49.7. "Emergency situation", for purposes of**
- 9 **IC 9-21-22-7, has the meaning set forth in IC 9-21-22-1.**
- 10 SECTION 3. IC 9-13-2-72.1 IS ADDED TO THE INDIANA CODE
- 11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 12 1, 2008]: **Sec. 72.1. "Hand held mobile telephone", for purposes of**
- 13 **IC 9-21-22, has the meaning set forth in IC 9-21-22-2.**
- 14 SECTION 4. IC 9-13-2-72.3 IS ADDED TO THE INDIANA CODE
- 15 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 16 1, 2008]: **Sec. 72.3. "Hands free mobile telephone", for purposes of**
- 17 **IC 9-21-22, has the meaning set forth in IC 9-21-22-3.**

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SECTION 5. IC 9-13-2-103.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 103.3. "Mobile telephone", for purposes of IC 9-21-22, has the meaning set forth in IC 9-21-22-4.**

SECTION 6. IC 9-13-2-193.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 193.1. "Use", for purposes of IC 9-21-22, has the meaning set forth in IC 9-21-22-5.**

SECTION 7. IC 9-13-2-199.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 199.1. "Wireless telephone service", for purposes of IC 9-21-22, has the meaning set forth in IC 9-21-22-6.**

SECTION 8. IC 9-21-22 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

**Chapter 22. Use of Mobile Telephones**

**Sec. 1. As used in this chapter, "emergency situation" means a situation threatening the safety or security of persons or property.**

**Sec. 2. As used in this chapter, "hand held mobile telephone" means a mobile telephone with which a user engages in a call using at least one (1) hand.**

**Sec. 3. As used in this chapter, "hands free mobile telephone" means a mobile telephone that:**

- (1) has an internal feature or function; or**
  - (2) is equipped with an attachment or addition;**
- by which a user engages in a call without the use of either hand.**

**Sec. 4. As used in this chapter, "mobile telephone" means a device used by subscribers of a wireless telephone service to access the service.**

**Sec. 5. (a) As used in this chapter, "use" means holding a mobile telephone to or in the immediate proximity of an ear of an operator of a motor vehicle. The term does not include holding a mobile telephone to:**

- (1) activate;**
  - (2) deactivate; or**
  - (3) initiate a function of;**
- the mobile telephone.**

**(b) For purposes of this section, a mobile telephone that does not require physical contact with an ear of the user is held in the immediate proximity of a motor vehicle operator's ear if the distance between the mobile telephone and the motor vehicle**

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operator's ear permits the motor vehicle operator to hear the telecommunication transmitted over the mobile telephone.

Sec. 6. As used in this chapter, "wireless telephone service" means a two-way, real time voice telecommunications service that is:

- (1) interconnected to a public switched telephone network; and
- (2) provided by a commercial mobile radio service.

Sec. 7. (a) An individual who operates a motor vehicle and simultaneously uses a hand held mobile telephone commits a Class D infraction.

(b) Subsection (a) does not apply to an operator of:

- (1) an authorized emergency vehicle;
- (2) a medical services vehicle;
- (3) a privately owned vehicle if:
  - (A) the operator or a passenger in the vehicle is a volunteer firefighter en route to the scene of a fire or other emergency in the line of duty; and
  - (B) a blue light is displayed on the vehicle under IC 36-8-12-11; or
- (4) a privately owned vehicle if:
  - (A) the operator or a passenger in the vehicle is a certified:
    - (i) paramedic;
    - (ii) emergency medical technician-intermediate;
    - (iii) emergency medical technician-basic advanced;
    - (iv) emergency medical technician;
    - (v) emergency medical service driver; or
    - (vi) emergency medical service first responder;
 en route to the scene of emergency medical service activities in the line of duty; and
  - (B) a green light is displayed on the vehicle under IC 9-19-14.5-1.

(c) Subsection (a) does not apply if the mobile telephone is used in an emergency situation to:

- (1) transmit an emergency call (as defined in IC 35-45-2-3(c));
- (2) contact a health care provider (as defined in IC 16-18-2-163);
- (3) contact a police and law enforcement system established under IC 36-8-2-2; or
- (4) contact a firefighting and fire prevention system established under IC 36-8-2-3.

(d) Subsection (a) does not prohibit the use of a hands free

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1      **mobile telephone by an operator of a motor vehicle.**

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